

**CHILD-PLACING AGENCIES: ADOPTION
RULES – 10A NCAC 70H
EFFECTIVE OCTOBER 1, 2008**

This document addresses the changes in 70H rules effective October 1, 2008. A brief description of the new/changed rule is under each section and the current rule is below the description. The description of the new/changed rule is in *italics*. Rules that became effective October 1, 2008 are highlighted in **yellow** throughout this document.

SECTION .0200 – SCOPE

.0201 SCOPE

Replaces 70H .0101 is changed to SCOPE from APPLICABILITY with the addition of (a) (1) – (8) (b) and (c)

10A NCAC 70H .0201 SCOPE

- (a) Rules in 10A NCAC 70H shall apply to all persons intending to provide adoption services which includes:
- (1) the provision of casework and other supportive services to biological parents considering adoption;
 - (2) provision of casework and other supportive services to the child considered for adoption;
 - (3) provision of casework and other supportive services to adoptive applicants through pre-placement studies;
 - (4) selection of home and placement process;
 - (5) supervision after placement;
 - (6) fulfillment of social and legal responsibilities;
 - (7) compilation and preservation of complete case records; and
 - (8) provision of post-adoption consultation services.
- (b) County departments of social services shall comply with requirements of 10A NCAC 70M.
- (c) The North Carolina Department of Health and Human Services, Division of Social Services, is the licensing authority for adoption child-placing agencies.

SECTION .0300 – APPLICABILITY

.0301 ORGANIZATION AND ADMINISTRATION

Replaces 70H .0102 Requirements regarding caseload have been moved to 70H .0401 PERSONNEL

10A NCAC 70H .0301 ORGANIZATION AND ADMINISTRATION

Persons licensed or seeking license to provide adoption services shall comply with requirements of 10A NCAC 70F, Chapter 48 of the General Statutes of North Carolina, and G.S. 7B-3800, the Interstate Compact on Placement of Children.

.0302 CONFLICT OF INTEREST

*This section is **new** to Adoption rules*

10A NCAC 70H .0302 CONFLICT OF INTEREST

- (a) County departments of social services and private child-placing agencies shall not supervise adoptive placements of members of their board of directors, governance structure, social services board, and county commission.
- (b) County departments of social services and private child-placing agencies shall not supervise adoptive placements of agency employees and relatives of agency employees. Relatives include birth and adoptive parents, blood and half blood relative and adoptive relative including brother, sister grandparent, great-grandparent, great-great grandparent, uncle, aunt, great-uncle, great-aunt, great-great uncle, great-great aunt, nephew, niece, first cousin, stepparent, stepbrother, stepsister and the spouse of each of these relatives.
- (c) Private child-placing agencies shall not supervise adoptive placements of agency owners.

.0401 PERSONNEL

*This **section** is **new** to Adoption rules and should be reviewed carefully*

This rule contains changes to educational qualifications for Executive Director, Social Work Supervisor, and Social Workers in this section. All of these positions now only require a

*Bachelor's Degree from a college or university listed in the Higher Education Directory. The rules do not specify field of study and experience requirements. However the Division of Social Services will resubmit information to the Social Services Commission to update this rule after July 1, 2009. It is anticipated that the qualifications will be as follows: (1) **The executive director** (these are the same qualifications for a Social Services Program Administrator I as determined by the State Office of Personnel) shall have a master's degree in Social Work or Public Administration from a college or university listed in the Higher Education Directory and four years of experience in a human services field including two years in a supervisory or managerial capacity; or graduation from a four-year college or university listed in the Higher Education Directory and six years of experience in a human services field including three years in a supervisory or managerial capacity; or an equivalent combination of education and experience. (2) **The social work supervisor** (these are the same qualifications for Social Work Supervisor II as determined by the State Office of Personnel) shall have a master's degree from an accredited school of social work and one year of social work or counseling experience; or a bachelor's degree from an accredited school of social work and two years of social work or counseling experience; or a master's degree in a counseling field and two years of social work or counseling experience; or four-year degree in a human services field from a college or university listed in the Higher Education Directory or related curriculum including at least 15 semester hours in courses related to social work or counseling and three years of social work or counseling; or graduation from a four-year college or university listed in the Higher Education Directory and four years of experience in rehabilitation counseling, pastoral counseling, or a related human services field providing experience in the techniques of casework, group work, or community organization; or an equivalent combination of training and experience. (3) **The social worker** (these are the same qualifications for a Social Worker II as determined by the State Office of Personnel) shall have a bachelor's degree in social work from an accredited school of social work; or a bachelor's degree in a human services field from a college or university listed in the Higher Education Directory and one year directly related experience; or a bachelor's degree from a college or university listed in the Higher Education Directory and two years directly related experience. Directly related experience is defined as human services experience in the areas of case management, assessment and referral, supportive counseling, intervention, psycho-social therapy and treatment planning.*

10A NCAC 70H .0401 PERSONNEL

- (a) The **executive director** is responsible for the general management and administration of the agency in accordance with licensing requirements and policies of the governing body. The executive director shall have a bachelor's degree from a college or university listed in the most current edition of the Higher Education Directory, which can be obtained by calling Higher Education Publications, Inc. at 1-888-349-7715.
- (b) The **social work supervisor** is responsible for supervising, evaluating, and monitoring the work and progress of the social work staff. The social work supervisor shall have a bachelor's degree from a college or university listed in the most current edition of the Higher Education Directory. Social work supervisors shall receive 24 hours of continuing education annually.
- (c) The **social worker** is responsible for intake services, providing casework or group work services for children and their families, conducting home-finding and assessment studies related to foster parents and planning and coordinating the services and resources affecting children and their families. The social worker shall have a bachelor's degree from a college or university listed in the most current edition of the Higher Education Directory. Social workers shall receive 24 hours of continuing education annually.
- (d) Social workers counseling birth families, preparing and assessing adoptive applicants for infant placements and supporting these families shall serve no more than 50 families.
- (e) Social workers preparing children ages six and above or children having special needs shall serve no more than 15 children.
- (f) Social workers preparing and assessing adoptive applicants for the placement of children ages six and above or children who have special needs shall serve no more than 20 families.
- (g) Social workers preparing and assessing families for international adoptions shall serve no more than 35 families.
- (h) Supervision of adoption social workers shall be assigned as follows:

Supervisors Required	Social Workers
0	0-4 (executive director serves as social work supervisor)
1	5
2	6-11
3	12-17
There shall be one additional supervisor for every one to five additional social workers.	

(i) Staff members of the adoption agency may maintain dual employment or serve as volunteers with maternity homes or crisis pregnancy centers as long as the adoption agency does not provide services to the clients of the maternity home or crisis pregnancy center or accept or arrange releases for adoption for the children of the clients of the maternity home or crisis pregnancy center. Staff members, owners, officers directors of the adoption agency may serve on the board of directors of maternity homes or crisis pregnancy centers as long as the adoption agency does not provide services to the clients of the maternity home or crisis pregnancy center or accept or arrange releases for adoption for the children of the clients of the maternity home or crisis pregnancy center.

.0402 INTAKE PROCEDURES AND OUT-OF-HOME FAMILY SERVICES AGREEMENT

*Replaces 70H .0103 Previously .0103 referred to 70G Intake Procedures. (b) contains **new** requirements for information to be provided to applicants for **International Adoptions**. (c) requires adoption agencies to develop an out-of-home service agreement (previously titled service plan) if a child is received for adoption and placed in foster care for more than 30 days.*

10A NCAC 70H .0402 INTAKE PROCEDURES AND OUT-OF-HOME FAMILY SERVICES AGREEMENT

(a) The policies for acceptance of an applicant for adoption services shall be defined in writing and shall relate to the stated purpose of the agency. Acceptance of an applicant for services shall be limited to those for whom the agency is qualified by staff, program and services to give appropriate services.

(b) Applicants for international adoptions shall receive information that includes the following topics:

- (1) the characteristics of children who need adoptive families;
- (2) the criteria by which the adoption agency and sending countries determine eligibility for adoptive parents;
- (3) the adoption services that will be available, when they will be available and how long they will be available;
- (4) steps in the adoption process;
- (5) immigration and obtaining citizenship;
- (6) average waiting time;
- (7) risks associated with international adoptions;
- (8) adoption requirements of the sending county; and
- (9) the use of other organizations or individuals to provide services.

(c) The agency shall develop a written out-of-home family services agreement for children within 30 days of acceptance as a client if the child is placed in foster care and a permanent placement has not been achieved. The out-of-home family services agreement shall be developed in cooperation with the child and the child's parents, guardian or legal custodian when possible.

(d) The out-of-home family services agreement shall include goals stated in specific, realistic and measurable terms and plans that are action oriented, including specific responsibilities of staff, family members and the child.

(e) The out-of-home family services agreement shall be based upon an assessment of the needs of the child and the child's parents.

(f) The out-of-home family services agreement shall be reviewed within 60 days of placement, the second out-of-home family services agreement review shall occur within 90 days of the first review and subsequent reviews shall be held every six months to determine the child's and family's progress or lack of progress towards meeting the goals, and to determine changes that need to be made in the out-of-home family services agreement.

.0403 PLACEMENT SERVICES TO FAMILIES AND CHILDREN

Replaces 70H .0105 with minor changes highlighted in (b)

10A NCAC 70H .0403 PLACEMENT SERVICES TO FAMILIES AND CHILDREN

- (a) Those persons providing as part of their adoption services program unplanned pregnancy services shall:
- (1) respect the client's choice of alternatives to the unplanned pregnancy;
 - (2) assure the clients of confidential handling of and restricted access to the case record;
 - (3) offer alternate plans of care for the child and give supportive services or make appropriate referrals to other resources for clients who do not release the child for adoption; and
 - (4) assist the client in obtaining maternity home care during her pregnancy.
- (b) The agency shall help those parents reaching the decision to relinquish their children to the agency for adoptive placement to have an understanding of the meaning of adoption and its potential impact on the child's and their lives. The agency may notify the birth parents when a placement has occurred and when an adoption decree is issued if the birth parents and adoptive parents are in agreement about this notification.
- (c) At the point a parent executes the document for relinquishment of a child for adoption, the agency shall ascertain that the parent has an understanding of the effects of this action and of the time period allowed for revocation of the relinquishment document. When the agency has received the parent's relinquishment document, the executive director shall indicate acceptance of the relinquishment document by signing the appropriate form for this purpose. A copy of the relinquishment document for adoption and of the agency's acceptance document shall be given to the parent. The executive director shall designate the agency's supervisor of adoptions or the adoptions social worker handling the case to accept the document for relinquishment of a child for adoption in the event the executive director is not available to accept the relinquishment document. An agency shall acquire legal and physical custody of a minor for purposes of adoptive placement only by means of a relinquishment pursuant to Chapter 48 of the General Statutes or by terminating the rights and duties of a parent or guardian of the minor.
- (d) In addition to providing services to the child, agencies providing adoption services shall include a child in the selection of an adoptive home and in preparation for adoptive placement.

.0404 ADOPTIVE HOME APPLICATION

Replaces 70H .0107

10A NCAC 70H .0404 ADOPTIVE HOME APPLICATION

The agency shall provide an application form for prospective adoptive parents and shall determine in response to the completed application whether, within the scope of the agency's program, it is appropriate to conduct a preplacement assessment with the applicants. While the age of applicants is among the factors that may be considered in determining whether the agency conducts a preplacement assessment with the applicants, there shall be no fixed chronological age at which applicants are automatically rejected for study.

.0405 PREPLACEMENT ASSESSMENT

*Replaces 70H .0108 (a) contains changes in the number of (face-to-face) interviews and with whom and where they must be conducted have been made to include the requirement that at least one interview must take place in the applicant's home. The timeframe regarding the requirement for an assessment to be updated is changed from one year to 18 months. A new requirement stating that the responsibility for the content of an updated assessment is assumed by the agency conducting the update has been added. The timeframe regarding physical examinations has been change and are now current to within 18 months of the assessment. (b) (22) has been expanded to include the following as part of the assessment: the individual has been found to have abused or neglected a child or has been a respondent in a juvenile court proceeding that resulted in the removal of a child or has had child protective services involvement that resulted in the removal of a child. (d) has been expanded to include the following: A specific concern is one that reasonably indicates the placement of any minor, or a particular minor, in the home of the applicant would pose a significant risk of harm to the well-being of the minor. (e) is **new** outlining information that an agency may redact from the assessment provided to the placing parent or guardian regarding the prospective adoptive parent's finances, extended family members, employers, schools, social security numbers, telephone numbers and addresses.*

10A NCAC 70H .0405 PREPLACEMENT ASSESSMENT

(a) The agency shall complete a preplacement assessment within 90 days after the application for adoption has been approved and the request for the assessment has been received. In a case involving a single adoptive applicant, there shall be two separate face-to-face interviews occurring on two different dates. In a case involving joint applicants, there shall be a separate face-to-face interview with each applicant and an additional two face-to-face interviews with both applicants. At least one interview shall be conducted in the applicants' home. There shall be separate

face-to-face interviews with each member of the household ten years of age or older. The assessment process shall be a joint effort of the adoption agency and the applicants to determine the kind of child the applicants can best parent. Any assessment that was completed 18 months or more before placement of a child occurs shall be updated to include current information about the family. Any agency updating a preplacement assessment not originally completed by that agency assumes responsibility for the entire assessment, and the new assessment shall reflect that it is the responsibility of the agency conducting the update. Physical examinations of family members shall be current to within 18 months of the assessment.

(b) The agency shall assess the following areas and shall record the information in the adoptive applicants' record:

- (1) the applicants' reasons for wanting to adopt;
- (2) the strengths and needs of each member of the household;
- (3) the attitudes and feelings of the family, extended family, and other individuals involved with the family toward accepting adoptive children, and parenting children not born to them;
- (4) the attitudes of the applicants toward the birth parents and in regard to the reasons the child is in need of adoption;
- (5) the applicants' attitudes toward child behavior and discipline;
- (6) the applicants' plan for discussing adoption with the child;
- (7) the emotional stability and maturity of applicants;
- (8) the applicants' ability to cope with problems, stress, frustrations, crises, and loss;
- (9) the applicants' ability to give and receive affection;
- (10) the applicants' child-caring skills and willingness to acquire additional skills needed for the child's development;
- (11) the applicants' ability to provide for the child's physical and emotional needs;
- (12) whether the applicant has ever been convicted of a crime other than a minor traffic violation;
- (13) the strengths and needs of birth children or previously adopted children;
- (14) the applicant's physical and mental health, including any addiction to alcohol or drugs;
- (15) current financial information provided by the applicant, including property and income;
- (16) the applicants' personal character references;
- (17) the applicant's religious orientation, if any;
- (18) the location and physical environment of the home;
- (19) the plan for child care if parents work;
- (20) recommendations for adoption in regard to the number, age, sex, characteristics, and special needs of children who could be best served by the family;
- (21) any previous request for an assessment or involvement in an adoptive placement and the outcome of the assessment or placement;
- (22) whether the individual has ever been a respondent in a domestic violence proceeding or a proceeding concerning a minor who was allegedly abused, neglected, dependent, undisciplined or delinquent, and the outcome of the proceeding or whether the individual has been found to have abused or neglected a child or has been a respondent in a juvenile court proceeding that resulted in the removal of a child or has had child protective services involvement that resulted in the removal of a child;
- (23) whether the applicant has located a parent interested in placing a child for adoption with the applicant, and a brief, non identifying description of the parent and the child;
- (24) the applicants' age, date of birth, nationality, race or ethnicity;
- (25) the applicant's marital and family status and history, including the presence of any children born to or adopted by the applicant, and any other children in the household;
- (26) the applicant's educational and employment history and any special skills; and
- (27) any additional fact or circumstance that may be relevant to a determination of the applicant's suitability to be an adoptive parent, including the quality of the home environment and the level of functioning of any children in the household.

When any of the information listed in this Paragraph is not reasonably available, the preplacement assessment shall state why the information is unavailable.

(c) The assessment is prepared and typed by the agency and shall be reviewed by the agency's adoption review committee, signed and dated by an authorized agency representative when complete and final, and it shall become part of the applicants' permanent record.

(d) Once the agency has made a decision regarding the suitability of the applicant as an adoptive placement, the preplacement assessment shall include specific documentation of the factors which support that determination. If the agency determines that the applicant is not suitable to be an adoptive parent, the assessment shall state the specific facts that support the determination. A specific concern is one that reasonably indicates the placement of any minor, or a particular minor, in the home of the applicant would pose a significant risk of harm to the well-being of the minor.

(e) The agency preparing the preplacement assessment may redact from the assessment provided to the placing parent or guardian information reflecting the prospective adoptive parent's financial account balances and information about the prospective adoptive parent's extended family members, including surnames, names of employers, names of schools attended, social security numbers, telephone numbers and addresses.

.0406 NOTIFICATION REGARDING PREPLACEMENT ASSESSMENT

Replaces 70H .0109 Language has been changed from acceptance and/denial to favorable and/or unfavorable (f) previously stating that an unfavorable assessment would not be subject to public record law has been removed from rule.

10A NCAC 70H .0406 NOTIFICATION REGARDING PREPLACEMENT ASSESSMENT

- (a) The agency shall notify the client who was the subject of a preplacement assessment whether the assessment was favorable or unfavorable within 30 days after the agency completes the assessment.
- (b) The agency shall share with the client the specific reasons a child cannot be placed in their home if the preplacement assessment is unfavorable.
- (c) The client may request an internal review by the executive director of the adoption agency if the client disagrees with the unfavorable preplacement assessment.
- (d) The client may file a response with the Division of Social Services, **Adoption Unit**, and the adoption agency after exhausting the agency's procedures for internal review. The Division of Social Services, **Adoption Unit**, shall acknowledge receipt of the response within 30 days, but has no authority to take any action with respect to the response. A copy of the response shall be attached to the unfavorable preplacement assessment.
- (e) The Division of Social Services, **Adoption Unit** shall notify the county department of social services of an unfavorable preplacement assessment and the county department of social services shall take appropriate action regarding any child placed in the home of the prospective adoptive parent who is the subject of an unfavorable assessment.

.0407 SERVICES TO ADOPTIVE APPLICANTS AND FAMILIES

*Replaces 70H .0110 (a) contains **new** requirements regarding the agency's ability to provide post-placement services. The word adopted in (a) should be adoptive. The rule will be amended to reflect this change. Previously 70H .0110 (f) required agencies to make post-placement services available. However this rule has been eliminated due to the fact there is no statutory authority for this rule. However as previously noted there are new requirements in (a) regarding post-placement services. Please note that post-placement services includes reports to the court. You must advise families at the point of application if you provide post placement services, including reports to the court and the costs associated with these services.*

10A NCAC 70H .0407 SERVICES TO ADOPTIVE APPLICANTS AND FAMILIES

- (a) The agency shall provide to adopted applicants a written statement of the adoption services it provides and of its procedure for selecting a prospective adoptive parent for a child, including the role of the child's parent or guardian and any criteria requested by the child's parent or guardian in the selection process. This statement shall include a schedule of any fees or expenses charged by the agency and a summary of the provisions of Chapter 48 of the General Statutes that pertain to the requirements and consequences of a relinquishment and to the selection of a prospective adoptive parent. **An agency which prepares preplacement assessments shall state whether it is available to provide post-placement services, including the report to the court pursuant to G.S. 48-2-501, and whether it can provide adoption services to the adoptee and adoptive parents after the decree of adoption has been entered.**
- (b) The agency shall discuss the children available for adoption with the adoptive applicants. The selection of a prospective adoptive parent for a minor shall be made by the agency.
- (c) Following completion of a preplacement assessment, the agency shall prepare the adoptive applicants for the placement of a particular child. Preparation shall include:
 - (1) information about the needs and expectations of the child and of the adoptive family;
 - (2) information to the extent allowed by law as specified in G.S. 48-3-205 about the child's background and the health history of the child's birth parents and other relatives; and
 - (3) visits with the child prior to placement.
- (d) An agency social worker shall visit in the home of the adoptive family after the placement of a child and prior to the decree of adoption. The first visit shall occur within two weeks after placement. Frequency of visits thereafter shall be determined by the child's and family's needs. Observations made during the visits shall be used in making recommendations to the court in regard to the decree of adoption.
- (e) When applicable, the agency shall take steps necessary to assure that the adoptive placement is in compliance with the Interstate Compact on the Placement of Children, G.S. 7B-3800.

.0408 LEGAL PROCESS

Replaces 70H .0111 with minor changes highlighted in (a) and (d)

10A NCAC 70H .0408 LEGAL PROCESS

- (a) The agency shall instruct the adoptive parents in procedures regarding the legal process for adoption and shall instruct them to file their adoption petition pursuant to G.S. 48-2-302(a) within 30 days of placement of the child for adoption **unless that time is extended by the clerk.**
- (b) The agency shall prepare and file the required consents and other documents and reports with the court at the appropriate times once the adoption petition has been filed.
- (c) During the process of preparing court reports, the petitioner, and each member of the petitioner's home shall be interviewed by the agency social worker in the petitioner's home. An additional interview shall be conducted in the presence of the petitioner and the adoptee to observe interactions between them. The report to the court shall be in writing and contain the information required by G.S. 48-2-502(b).
- (d) The agency shall give the petitioner a copy of each report filed with the court and retain a copy. In an agency adoption, pursuant to G.S. 48-2-502(b), the agency shall not release to the petitioner a copy of any court order, judgment, decree, or pending legal proceeding **containing identifying information that could reasonably be expected to lead directly to the identify of the adoptee at birth or any former parent or family member of the adoptee.**

.0409 RECORDS

*Replaces 70H .0112 The previous reference back to 70G RECORDS has been removed. (b) and (c) now contain requirements regarding **electronic storage of records** and the destruction of records for families who did not have a child placed with them or who were not accepted for adoption services.*

10A NCAC 70H .0409 RECORDS

- (a) The agency shall keep separate records for each adoptive applicant and family that contain the following:
- (1) application form;
 - (2) certified copies of marriage certificates, if applicable;
 - (3) certified documentation of marriage termination, if applicable;
 - (4) current medical records on all family members and psychological or psychiatric reports, if applicable;
 - (5) references from at least three sources;
 - (6) preplacement assessment conducted by the agency;
 - (7) copies of correspondence to, from, and in regard to the applicants;
 - (8) summary and dates and content of contacts prior to and following approval for adoption until the decree of adoption is entered;
 - (9) copies of information given to the applicant and family concerning the child or children to be placed for adoption with them;
 - (10) copies of all legal documents pertaining to the adoption; and
 - (11) summary containing the placement decision, pre-placement and post-placement contacts with the family and child.
- (b) In the event the applicants were not accepted or did not have a child placed with them, the record shall contain a narrative indicating the reasons and the manner in which the decision was presented to the applicants. **The agency may destroy in office the closed records of applicants who were not accepted or who did not have a child placed with them three years after the date of their application or application denial, unless included in a federal or state fiscal or program audit that is unresolved. The agency may destroy the record in office when released from all audits.**
- (c) All individual children, birth parents and adoptive family records shall be permanently retained by the agency. **After a period of seven years,** the files may be microfilmed **or scanned in accordance with provisions of G.S. 8-45.1,** following which the original files may be destroyed by a shredding process.
- (d) All children, birth parents and adoptive applicant and family records shall be kept in locked quarters and information from the files may be divulged only in compliance with provisions of G.S. 48-9-103 and G.S. 48-9-105.

NOTE:

*Section **.0113 FEES** previously outlining maximum fees has been removed. All information regarding fees now appears in 70F .0203 and 70H .0407.*

*Section **.0106 ADOPTIVE HOME RECRUITMENT** has been removed.*